

**REMARKS**

Claims 1-54 are all the claims pending in the application. Claims 2, 20, and 37 stand rejected upon informalities. Claims 1, 3-19, 21-37, 39-54 stand rejected on prior art grounds. Applicants respectfully traverse these rejections based on the following discussion.

**I. The 35 U.S.C. §112, Second Paragraph, Rejection**

Claims 2, 20, and 38 stand rejected under 35 U.S.C. §112, second paragraph. More specifically, the Office Action asserts that “[i]t is not clear what the applicant is talking about in this claim 2 and claim 20” (Office Action, p. 2, item 2). Applicants have amended claims 2, 20, and 38 to define “determining a set of e-commerce transactions that should take place and a set of e-commerce transactions that should not take place from amongst various possibilities” and “determining prices to be paid by buyers, amounts to be received by sellers and payments to be made to service providers for said transactions that should take place”. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**II. The Prior Art Rejections**

Claims 1, 4-5, 19, 22-23, 37, and 40-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gavarini (U.S. Patent No. 7,080,070), Burns, et al. (U.S. Patent No. 5,189,606), hereinafter referred to as Burns and Rutkowski, et al. (U.S. Patent No. 5,826,270), hereinafter referred to as Rutkowski. Claims 3, 6-18, 21, 24-36, 39, and 42-

§4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gavarini, Burns, and Rutkowski, in view of Hess, et al. (U.S. Patent No. 6,415,320), hereinafter referred to as Hess. Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention provides a computer implementable system, method and computer program product for conducting online negotiation and matchings for electronic commerce spanning international boundaries and includes means for computation of end-to-end costs for potential transactions including the determination of various intermediate costs like shipping costs, taxes and duties, various fees and commissions and the like. It further includes means for incorporating the computed end-to-end costs in determining the market allocations and prices, thus leading to more informed buying and selling decisions. In the rejection, the Office Action argues that the proposed combination of Burns, Gavarini and/or Rutkowski would have resulted in the claimed invention. However, Burns is related to the art field of *construction projects* and is not related to the art field of *electronic commerce* transactions conducted over the Internet between buyers and sellers. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

Applicants traverse the rejections because it would not have been obvious to combine the features of Burns with the teachings of Gavarini and/or Rutkowski. More specifically, Burns is related to the art field of construction projects and is not related to

the art field of electronic commerce transactions conducted over the Internet between buyers and sellers.

Thus, the prior art of record fails to teach or suggest a method for enabling the online determination of end-to-end costs while negotiating e-commerce transactions, wherein an e-commerce transaction comprises an electronic transaction over the Internet between at least one buyer and at least one seller, and wherein the transaction comprises at least one of a purchase, a sale, a trade, an auction, and a reverse auction. Such features are defined in independent claims 1, 19, and 37 using similar language.

More specifically, as discussed in paragraph 0001 of Applicants' disclosure, the present invention relates to online e-commerce transactions incorporating determination of end-to-end costs. It can be suitably applied in the context of a large number of online market mechanisms, for example, catalogue sales, auctions, and two-way trading.

To the contrary, Burns is related to the art field of construction projects. Specifically, as discussed in the abstract of Burns, the CCMAS (Construction Cost Management and Analysis System) is an integrated construction cost generator which may be used to develop costs for construction projects and for developing the life cycle costs for various construction projects.

The remainder of Burns provides a background of the construction industry, a summary, and a detailed description of the Construction Cost Management and Analysis System. For example, as discussed in the summary section of Burns, the invention is directed to an expert knowledge-based computer system having an inference engine, applied to an integrated construction cost generator which may be used to develop costs

for construction projects; to analyze and estimate facilities associated with major weapons programs; for administrative, medical and support facilities as well as runway/taxiways; and for developing the life cycle costs for various construction projects. CMMAS is the first automated, integrated, and comprehensive construction cost management tool which can be used from project inception through completion. It lets even an unskilled estimator accurately estimate and analyze a facility construction project in less than four hours without plans or specifications. It eclipses the traditional method of designing, measuring drawings, counting pieces, then manually extracting cost data of each piece to create an estimate, and finally analyzing the product; a process that can take a group of skilled estimators up to six months.

Therefore, Burns is related to the art field of construction projects; Burns is not related to the art field of electronic commerce transactions conducted over the Internet between buyers and sellers. Applicants submit that Burns does not mention and has nothing to do with electronic commerce. A word search within the text of Burns for the terms "electronic", "online", "Internet", "commerce", "buy", "sell", and "auction" resulted in zero (0) relevant results.

Accordingly, Applicants submit that it would not have been obvious to combine the features of Burns with the teachings of Gavarini and/or Rutkowski. Burns is related to the art field of construction projects and is not related to the art field of electronic commerce transactions conducted over the Internet between buyers and sellers. Therefore, it is Applicants' position that the prior art of record fails to teach or suggest the claimed feature of "enabling the online determination of end-to-end costs while

negotiating e-commerce transactions ... wherein said e-commerce transaction comprises an electronic transaction over the Internet between at least one buyer and at least one seller, and wherein said transaction comprises at least one of a purchase, a sale, a trade, an auction, and a reverse auction" as defined by independent claims 1, 19, and 37.

As such, it is Applicants' position that independent claims 1, 19, and 37 are patentable over the prior art of record. Further, it is Applicants' position that dependent claims 2-18, 20-36, and 38-54 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

## II. Formal Matters and Conclusion

With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-54, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any

deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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